

Application No. 09/954,970
Amdt. Dated August 6, 2004
Reply to Office Action of July 2, 2004

Remarks and Arguments

Reconsideration is hereby requested.

Claim 2 is objected to under CFR 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended Claim 2 to place the claim in proper dependent form. Claim 2 is no longer dependent on itself, but rather on Claim 1.

Accordingly, Applicant respectfully requests withdrawal of the objection to Claim 2 based upon CFR 1.75 (c).

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 1, line 10, "said fourth sidewalls" has been amended to "said fourth sidewall" to provide proper antecedent basis. Claim 2, line 2 has been clarified to reflect that there are at least "two" peripheral sidewalls of said bottom base.


The use of "an aperture" in Claim 4 reflects all said apertures within the system to facilitate escape of steam from both upper and lower horizontal compartments of the resultant structure. It is an object to provide a dual pizza pie container of the above type which assures substantially hermetic closure thereof while also permitting a sufficient escape of steam to assure that the pies will not deteriorate during transport as a result of undue accumulation of steam pressure within the container itself. (See Specification, Page 4, ¶14).

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In view of the above, amended Claims 1-6 should be allowable based on overcoming the rejection under 35 U.S.C. 112, second paragraph. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 1-6, as amended.

8. 6. 04
Date of Signature

Respectfully submitted,
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